

REMARKS

A final Office Action was mailed in the above-captioned application on September 24, 2007. Claims 16, 18-20, 22, 24, 25, 29, and 53-58 were pending in the application. Claims 16, 18-20, 22, 24, 25, 29, and 53-58 were rejected. This Amendment and Remarks document is submitted in response to said Office Action.

The Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has rejected Claims 16, 18-20, 22, 24-25, 29, and 53-58 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The second paragraph of Section 112 requires that the claims set out and circumscribe a particular area that applicants regard as their invention with a *reasonable* degree of precision and particularity.

Specifically, the rejection states that the following recitations are indefinite: “hypothetical”, “as similar to KIAA1902,” “[Homo Sapiens],” “leucine-rich.”

The Office action states that GenBank Accession numbers are used in Tables 1-4 and that the amino acid sequence is considered essential subject matter for assessing patentability of the instant invention. The Office action also states that Applicant is required to amend the disclosure to include the material incorporated by reference and provide an affidavit stating that the amendatory material consists of the same material incorporated by reference in the referencing application.

For the reasons stated in the previous response, applicant maintains that the current description is adequate; however, in the interest of expediting prosecution, the claims have been amended to recite that the polypeptide is represented by a particular SEQ ID NO:.

Submitted herewith is a new computer readable form of the sequence listing. The computer readable form is amended to include SEQ ID NO:s 396, 397, 398, 399, and 400, which correspond to the sequences of polypeptides mentioned in the claims: “hypothetical protein DKFZp434P1818.1 - human (fragment)”, “similar to KIAA1902 protein [Homo sapiens]”; “leucine-rich alpha-2-glycoprotein [Homo sapiens]”; “gelsolin (amyloidosis, Finnish type) Gelsolin [Homo sapiens]”; and a polypeptide marker identified as “lumican [Homo sapiens].”

The computer readable form has also been amended to correct two clerical errors. In SEQ ID NO:50, the carboxymethylation position has been changed from (50) to (6), and in SEQ ID NO:102, the carboxymethylation position (11) has been added.

An additional copy (.pdf) of the sequence listing is also being submitted.

An affidavit regarding the amendatory material is also being submitted.

It is believed that the amendments overcome the rejection under 35 U.S.C. § 112, second paragraph. Reconsideration and withdrawal of the rejection is respectfully requested.

Closing Remarks

Applicant believes that the pending claims are in condition for allowance. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-1970, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-1970.

Respectfully submitted,

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